

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



In re PATENT APPLICATION of

HOVANEC

Group Art Unit: 1651

Application Serial No.: 10/659,983

Examiner: IRENE MARX

Filed: September 10, 2003

Title: AMMONIA-OXIDIZING BACTERIA

**DECLARATION OF BIOLOGICAL DEPOSIT  
IN COMPLIANCE WITH THE BUDAPEST TREATY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Carolyn S. Lu, hereby state as follows:

1. I am an attorney of record for the above-identified patent application, and as such I am authorized to act on behalf of Aquaria, Inc., the assignee of the application.
2. Aquaria, Inc. is the assignee of the above-identified patent application as evidenced by an assignment from the inventors to Aquaria, Inc. (Reel/Frame Number 014496/0384).
3. *Nitosomonas aestuarii*-like ammonia-oxidizing bacterium (AOB) represented by P4clone42 (SEQ ID NO:18) was deposited with the American Type Culture Collection (ATCC) under the terms of the Budapest Treaty on August 28, 2003, and assigned accession no. PTA-5423.
4. *Nitrospira*-like species: AOB Type A ammonia-oxidizing bacterium represented by R7clone140 (SEQ ID NO:1) was deposited with the American Type Culture Collection (ATCC) under the terms of the Budapest Treaty on May 18, 2000, and assigned accession no. PTA-1888.
5. The American Type Culture Collection (ATCC) is a depository in accordance with the Budapest Treaty for the above-deposited cultures. Should the cells mutate, become non-

viable, non-functional, or be inadvertently destroyed, the assignee will replace such cells for at least thirty years from the date of the original deposit, or for at least five years from the date of the most recent request for release of a sample, or for the enforceable life of any patent issued on the above-identified application, whichever period is longest.

6. The deposits have been made under conditions of assurance of (a) ready accessibility thereto by the public if an enforceable patent is granted whereby all restrictions to the availability to the public of the cell lines so deposited will be irrevocably removed upon the granting of the patent, and (b) access to the cell lines will be available during pendency of the patent application to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under applicable statutes and regulations.
7. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

AQUARIA, INC.

Date: June 12, 2006

By 

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**FACSIMILE**

**Date:** October 6, 2003

**To:** Timothy A. Hovanec, Ph.D.

**Fax Number:** 805-529-3030

**From:** ATCC Patent Depository    Number of pages:    1 (Including this page)

**REFERENCE: Patent Deposit (Ref: Docket or Case No.: 81289-294289 and 81289-284779)**

Nitrospira-like nitrite oxidizing bacterium: Nitrospira-like C2 Saltwater NOB Hovanec et al assigned PTA-5422,

Nitrosomonas aestuarii-like ammonia oxidizing bacterium: Nss. aestuarii-like Seawater AOB Hovanec et al assigned PTA-5423 and

Nitrococcus mobilis-like nitrite oxidizing bacterium: Nc. mobilis-like Seawater NOB Hovanec et al assigned PTA-5424.

**Date of Deposit: August 28, 2003. Paperwork will be forwarded to you in a few days. An invoice will be sent under separate cover referencing your American Express account as follows:**

Standard storage/informing	\$ 3,450.00
Viability Test	480.00
<b>Total amount to PTA-5422 to PTA-5424</b>	<b>\$ 3,930.00</b>

Marie Harris  
**Marie Harris, Patent Specialist**  
**ATCC Patent Depository**

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